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SCIENCE, now combined with THE SCIENTIFIC MONTHLY, is published each Friday by the American Association for the Advancement of Science at National Publishing Company, Washington, D.C. SCIENCE is indexed in the *Reader's Guide to Periodical Literature*.

Editorial correspondence should be addressed to SCIENCE, 1515 Massachusetts Ave., NW, Washington 5, D.C. Manuscripts should be typed with double spacing and submitted in duplicate. The AAAS assumes no responsibility for the safety of manuscripts. Opinions expressed by authors are their own and do not necessarily reflect the opinions of the AAAS or the institutions with which the authors are affiliated. For detailed suggestions on the preparation of manuscripts, see *Science* 125, 16 (4 Jan. 1957).

Advertising correspondence should be addressed to SCIENCE, Room 1740, 11 West 42 St., New York 36, N.Y.

Change of address notification should be sent to 1515 Massachusetts Ave., NW, Washington 5, D.C., 4 weeks in advance. Furnish an address label from a recent issue. Give both old and new addresses, including zone numbers.

Annual subscriptions: \$8.50; foreign postage, \$1.50; Canadian postage, 75¢. Single copies, 35¢. School year subscriptions: 9 months, \$7.00; 10 months, \$7.50. Cable address: Advancesci, Washington.

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You Can't Go Home Again

Thousands of scientists serve government as full-time employees, and other thousands serve as consultants on a temporary or intermittent basis. The current statutes governing conflicts of interest were designed mainly to prevent bribery and the prosecution of claims against government by employees or former employees in the days before the government required so many consultants and temporary employees. Thus, it is a criminal offense for any employee of government to receive pay from a source other than the government. Rulings of the attorney general make it possible for part-time consultants to continue on the payroll of outside institutions and to participate in pension or stock-sharing plans while working for the government. A bill (H.R. 8140) to bring order into the whole field has been passed by the House and is now being considered by the Senate Judiciary Committee. Although the bill has one major defect, discussed below, it will go a long way toward bringing the conflict-of-interest laws up to date and, if properly modified, will help the government to recruit part-time and full-time scientists.

An important feature of the bill is the section that creates a new class of government employees called "special government employees." This category will include those employees—consultants, panel members, and so on—who serve no longer than 130 days in any 365-day period. A special government employee will be partially exempted from the provision that prevents a government employee from receiving compensation for performing services for others in a matter in which the government is interested. He will be subject to the prohibition (i) in a matter in which he had taken part "substantially and personally" as a government employee; (ii) in a matter which within 2 years has been a part of his official responsibility; or (iii) in a matter pending in the agency in which he serves for more than 15 days per year. According to testimony by Nicholas Katzenbach, deputy attorney general, government scientific agencies think that the second and third restrictions are unnecessary; the Administration agrees about the second but thinks the third should be retained and modified to apply to periods up to 60 days.

Another section of the bill exempts special government employees from the restriction on receiving compensation from a private source for services to the government. This would give a statutory base for present practice and would permit special employees to continue to take part in pension or other welfare plans of their former employers.

These sections of the bill are in tune with the needs of the day. But there is one section that has aroused serious concern on the part of the government scientific agencies. This section [207 (b)] would bar a former employee—regular or special—from appearing as an agent or attorney in connection with any matter for which he had had official responsibility within a 2-year period prior to his leaving the government. Strictly interpreted, this would mean that men in the higher-ranking positions would be barred from taking executive jobs with such private agencies as universities and industries which have government grants or contracts. Since the prohibition applies to both special and regular employees, recruitment for government jobs at higher levels would become almost impossible, since those who would be willing to serve for a few years would have no job to return to after their government stint was over.

Unless the government is willing to settle for mediocrity in high posts, this section should be eliminated or greatly modified.—G. DuS.